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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,605	10/18/2005	Ryuji Suzuka	10992.09-46	6011
22852	7590	07/28/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER COLE, ELIZABETH M	
			ART UNIT	PAPER NUMBER
			1782	
			MAIL DATE	DELIVERY MODE
			07/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,605

Applicant(s)

SUZUKA ET AL.

Examiner

Elizabeth M. Cole

Art Unit

1782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7, 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The indicated allowability of claims 1-2,4-5, 7 is withdrawn in view of the new rejection set forth below. The finality of the previous action is withdrawn.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 4-5, 7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins et al, U.S. Patent No. 5,178,932 in view of JP 06-248511, (machine translation attached). Perkins discloses a multilayered laminate comprising an inner meltblown layer having a diameter of 0.1-10 micrometers and two outer layer comprising fibers having a diameter in excess of 7 micrometers. The interfaces between the layers significantly intermingled. See abstract. The basis weight for the laminate in the example is 54 grams per square meter which is within the claimed range. The layers are bonded through the application of heat and pressure. Suitable fibers for the layers include polyesters, polyolefins, polyetherester and polyamides. See col. 5, line 65 - col. 6, line 33. The melt blown layer has a basis weight of 14 gsm while the two outer layers have basis weights of 20 gsm each respectively, so the meltblown layer, (i.e., fine fiber layer), has a weight of less than 50% of the fabric weight. Perkins differs from the claimed invention because it does not specifically disclose the claimed bulk density and intrusion index, pressure employed or solution viscosity. However, since Perkins teaches the same types and diameters of fibers in fabrics of the claimed basis weight, and teaches combining the layers through pressure in order to arrive at a

laminate where the interfaces are significantly intermingled, it would have been obvious to one of ordinary skill in the art to have selected the processing conditions and viscosities through the process of routine experimentation in order to arrive at a fabric having the desired bulk density and intrusion index. With regard to the claimed crystallinity, JP '511 teaches biodegradable fabrics comprising polyester having a low crystallinity of 5-50% , (see paragraph 0008), which encompasses the claimed range. Therefore, it would have been obvious to have employed a fiber having a crystallinity of 5-50% as taught by JP '511 in the structure of Perkins, in order to form a fibrous product which had biodegradability.

4. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection. The amendment after final dated 7/22/10 has been entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

The examiner's supervisor Rena Dye may be reached at (571) 272-3186.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.

/Elizabeth M. Cole/

Art Unit: 1782

Primary Examiner, Art Unit 1782

e.m.c